

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
 David R. Hathaway, et al. )  
 Serial No. \_\_\_\_\_ )  
 Filed September 23, 1997 )  
 APPARATUS AND METHOD FOR )  
 POSITIVE CLOSURE OF AN )  
 INTERNAL TISSUE MEMBRANE )  
 OPENING )

Before the Examiner  
 Julian Woo  
 Group Art Unit 3309  
 September 23, 1997

J1036 U.S. PTO  
 10/008781  
 11/13/01

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. §1.56, Applicant wishes to bring to the attention of the Examiner the items of information listed on the enclosed Form PTO-FB-A820. This information has not been previously submitted in this application, and has not been heretofore cited by the Examiner. Copies of cited items have been filed in prior application Serial No. 08/465,765 in accordance with 37 C.F.R. §1.98.

The identified information, taken alone or in combination with other art, provides information relating to the subject matter of the invention, but fails to teach, disclose or suggest the present invention. The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in § 1.56(b).

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37CFR § 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Genetta M. Coy

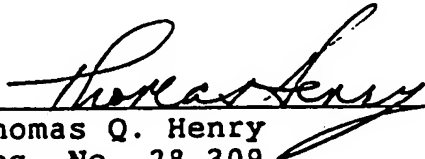
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NEW CONTINUATION APPLICATION  
 Filed September 23, 1997  
 Group Art Unit 3309  
 INFORMATION DISCLOSURE STATEMENT  
 Atty Docket No. 7037-288 (IU-13-CON-3)  
 Page No. 1 of 2.

This Statement is being submitted within three months of the filing date of the application and/or prior to the mailing of any Office Action on the merits. It is believed that no fee is required for consideration of the submitted items. Should any fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By

  
Thomas Q. Henry  
Reg. No. 28,309  
Woodard, Emhardt, Naughton,  
Moriarty & McNett  
Bank One Center Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456

<b>INFORMATION DISCLOSURE CITATION</b>  <i>(Use several sheets if necessary)</i>		ATTY. DOCKET No. 7037-288 (IU-13-CON-3)		SERIAL NO. unknown	
		APPLICANT David R. Hathaway et al.			
		FILING DATE September 23, 1997		GROUP ART UNIT 3309	

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10/008781  
11/13/01

U.S. PATENT DOCUMENTS							
Examiner Initial	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
	2,397,823	2 Apr. 1946	Walter	128	321		
	4,168,073	18 Sep. 1979	LaRue	279	2		
	4,437,465	20 Mar. 1984	Nomoto et al.	128	340		
	4,493,323	15 Jan. 1985	Albright et al.	128	340		
	4,836,205	6 Jun. 1989	Barrett	128	340		
	4,898,155	6 Feb. 1990	Ovil et al.	606	144		
	4,957,498	18 Sep. 1990	Caspari et al.	606	146		
	5,037,433	6 Aug. 1991	Wilk et al.	606	139		
	5,304,184	19 Apr. 1994	Hathaway et al.	606	144		
	5,476,469	19 Dec. 1995	Hathaway et al.	606	144		

FOREIGN PATENT DOCUMENTS								
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION		
						Yes	No	
	1,093,329 A	23 May 1984	USSR			X		

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			

EXAMINER	DATE CONSIDERED
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\*EXAMINER : Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.